

***BOARD OF EXAMINERS, APPEALS AND CONDEMNATION  
CITY OF LONG BEACH COUNCIL CHAMBERS, LOBBY LEVEL  
333 WEST OCEAN BOULEVARD, LONG BEACH, CALIFORNIA  
1:30 P. M. - NOVEMBER 21, 2005***

**BOARD OF EXAMINERS, APPEALS AND CONDEMNATION  
CITY OF LONG BEACH COUNCIL CHAMBERS, LOBBY LEVEL  
333 WEST OCEAN BOULEVARD, LONG BEACH, CALIFORNIA  
1:30 P.M. – NOVEMBER 21, 2005**

**\*\*\*\*\* A G E N D A \*\*\*\*\***

**CALL TO ORDER:**

**ROLL CALL :** Chairman Michael L. Bates, Vice Chairman Elliot H. Boone, Mr. Christopher Brown, Mr. Maurice W. Knowles, Mr. Henry F. Salzer, Dr. Lynn Shaw, Mr. Charles G. Westlund.

***APPROVAL OF THE MINUTES OF OCTOBER 17, 2005 HEARING.***

**OPPORTUNITY FOR PUBLIC COMMENTS:**

**NEW OR UNFINISHED BUSINESS:**

**SET DATE FOR NEXT HEARING:** DECEMBER 19, 2005

**MOTION FOR ADJOURNMENT:**

/mw  
{Agenda:A11210

**ADMINISTRATIVE CITATION APPEALS HEARING  
CITY OF LONG BEACH COUNCIL CHAMBERS  
333 WEST OCEAN BOULEVARD, LONG BEACH, CALIFORNIA  
NOVEMBER 21, 2005  
\*\*\*\*\* A G E N D A \*\*\*\*\***

**CALL TO ORDER:**

**ROLL CALL :** Chairman Michael L. Bates, Vice Chairman Elliot H. Boone, Mr. Christopher Brown, Mr. Maurice W. Knowles, Mr. Henry F. Salzer, Dr. Lynn Shaw, Mr. Charles G. Westlund.

**APPROVAL OF THE MINUTES OF OCTOBER 17, 2005 HEARING**

**SWEARING OF WITNESSES:**

**A) CASES TO BE REMOVED FROM THE AGENDA:**

Item No.	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____

**ADMINISTRATIVE CITATION APPEALS HEARING**  
**NOVEMBER 21, 2005**  
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1. **CASE NO. A – 03-11-05: 643 WALNUT AVENUE,**  
Albert J. Martino AND Albert J. Martino & A & D Trust, Owner.  
{(Proj. No. 443938) (Council Dist. –2)}  
{Administrative Citation Case}

**OPPORTUNITY FOR PUBLIC COMMENTS:**

**NEW OR UNFINISHED BUSINESS:**

**SET DATE FOR NEXT HEARING:**      **DECEMBER 19, 2005**

**MOTION FOR ADJOURNMENT:**

**ADMINISTRATIVE CITATION APPEALS HEARING**  
**NOVEMBER 21, 2005**  
**AGENDA ITEM NO. 1**

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**CASE NO. A – 03-11-05: 643 WALNUT AVE,** Albert J. Martino, Owner,  
AND Albert J. Martino and A & D Trust. {(Proj. #443938)} (Council Dist. 2)}

**Comments:** This is an **Administrative Citation Appeal**. The owner has requested in writing a public hearing to appeal administrative citation number 443938 on the grounds that he is not the responsible party for the cited violations at 643 Walnut Avenue.

LBMC Section 9.65.020 defines “Responsible Person” as any individual who is the owner, partial owner, or occupant of real property, last registered owner and/or legal owner of a vehicle, the holder or the agent of the holder of any permit or entitlement or the party or agent of a party to any agreement covered by this Chapter; or the owner or authorized agent of any business, company, or entity subject to this Chapter, who creates, commits, or maintains a violation subject to the enforcement provisions of this Chapter.

On **August 24, 2005**, a "Citation Warning Notice" was sent to the Appellant, Albert J. Martino, certified and regular first class mail giving notice that violations of the Long Beach Municipal Code existed on the property for trash and debris and discarded furniture and that the corrections must be made by **September 24, 2005**. Staff obtained property ownership information from Real Quest, which reported Appellant as the property owner for 643 Walnut Avenue. The certified mail was signed for by Appellant on **August 25, 2005**.

Ownership information was also obtained from an April 25, 2005, City building permit issued to Appellant, Albert Martino, as owner/builder for work to be completed at 643 Walnut Avenue.

On **September 16, 2005**, an investigation revealed that the property remained in violation. The inspector met Appellant and tenant at 643 Walnut Avenue to discuss compliance and non-compliance consequences.

On **September 26, 2005**, an inspection of the property revealed trash and debris and discarded furniture remained on the property in violation of the Long Beach Municipal Code. Staff extended the time for compliance.

On **September 29, 2005**, an investigation revealed that the property remained in violation with trash and debris and discarded furniture. Administrative Citation number 443938 was issued for violation of Long Beach Municipal Code sections 8.76.010(m) and 8.76.010(i). The property was posted with an administrative citation, and dated pictures were taken of the violations and posting. The administrative citation was also sent to the

owner, Albert J. Martino, via certified and regular first class mail. The certified mail was signed for on October 1, 2005. The administrative citation requires fine payment of \$100.00.

On **October 21, 2005**, a request for appeal was received from the owner along with a check for \$100.00 as required by ordinance on the grounds that he is not the responsible party for the cited violations.

**Suggested Board Action:** Based on this evidence, which the City intends to present, the City requests the Hearing Board deny the appeal.